

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	
LING XU,)	Case. No. 07-00196-01-CR-W-FJG
)	
Defendant.)	

ORDER

Pending before the Court is defendant's Motion for Consideration of Sentence Reduction Pursuant to U.S.S.G. § 5K3.1 (Doc. No. 210). Defendant suggests that she qualifies for a 4 level reduction in her sentence under the "Fast Track" program because she agrees to an immediate deportation upon completion of her sentence. However, as noted by the government, the "Fast Track" program applies to illegal reentry cases, and Xu was not convicted of illegal reentry, but instead was convicted of (1) aiding and abetting the coercion of individuals to travel in interstate and foreign commerce to engage in prostitution and illegal sex acts, in violation of 18 U.S.C. §§ 2422(a); (2) aiding and abetting money laundering, violation of 18 U.S.C. §§ 18 U.S.C. §§ 1956(a)(2)(B)(i); (3) aiding and abetting aggravated identity theft, in violation of 18 U.S.C. §§ 1028A (a)(1); and (4) criminal forfeiture pursuant to 18 U.S.C. § 2428. Further, the government notes that any argument for a 5K3.1 departure should have been made at the time of sentencing, in October 2009.

Therefore, for the reasons cited by the government, defendant's motion (Doc. No. 210) is **DENIED**.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: December 18, 2012
Kansas City, Missouri